

REMARKS

Reconsideration is requested of the Examiner's rejection of claims 1-26 and 29-33 under 35 U.S.C. 112, first paragraph. In particular, the Examiner's rejected claims 1, 19-20, 23-24, 29-30 and 32-33 for reciting that the glittering particles have a "smooth metal surface." As the Examiner suggested, Claims 1, 19-20, 23-24, 29-30 and 32-33 are amended to delete "smooth metal surface." However, these claims are amended deleting this language because this term is self-defined by referencing to the given parameters. Therefore, this rejection is now believed to be moot. Furthermore, Applicants respectfully do not agree with the Examiner's assertion that the term "smooth metal surface" was not in the specification as originally filed. The glittering particles having a smooth surface is described in the specification, page 27, lines 8-9 ("having this smooth surface") and page 28, lines 4-5 ("the respective smooth surfaces 111 and 112"). Similarly, the glittering particles having a metallic surface is described in the specification, page 6, lines 15-21 ("metal coated inorganic particles," "flaky glass is coated with a metal," and "inorganic particles coated with ... a metal or a metallic oxide"), page 7, lines 23-24 ("aluminum coated with iron(III) oxide"), and page 8, lines 13-20 ("aluminum powders"). Hence, the specification supports the deleted claim language that the glittering particles have a "smooth metal surface."

Reconsideration is requested of the Examiner's rejection of claims 12, 19-26 and 29-33 under 35 U.S.C. 112, second paragraph. In particular, the Examiner stated that: (a) claim 12 includes a limitation already found in claim 1; (b) claim 30 appears to be identical to claim 1; (c) confusion as to whether "scaly glittering particles" and "glittering particles" are the same; (d) the lack of disclosure on "to said median diameter;" (e) clarification of "coating ratio;" (f) lack of antecedent basis for "the aqueous glittering ink" in claims 23 and 24; and (g) improper Markush

group in claim 32. As the Examiner suggested: (a) Claim 12 is now cancelled and Claims 13 and 18 are amended to depend from Claims 1 and 13, respectively; (b) Claim 30 is amended to have a “median diameter of at least 30 μm ;” (c) Claims 19-20, 23-24, 29 and 32-33 are amended to consistently recite “scaly glittering particles;” (d) the term “to said median diameter” is deleted from Claims 19, 20, 29 and 33; (e) Claims 19, 20, 23, 24, 29 and 33 are amended to consistently recite “surface coating ratio;” (f) Claims 23 and 24 are amended to read “an aqueous glittering ink;” and (g) the insertion of “the group consisting of” in Claim 32. Therefore, this rejection is now believed to be moot.

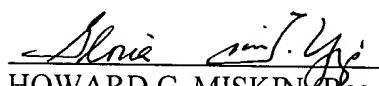
The Examiner rejected claim 27 under 25 U.S.C. 103(a) as being unpatentable over JP 10077438 in view of EP 600205. Claim 27 is canceled and therefore this rejection is now moot.

The Examiner objected to claim 28 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim. Claim 28 is amended to include all the limitations of claim 27 and is believed to be allowable.

In view of the foregoing amendments and remarks, reconsideration and allowance of the application are respectfully requested.

Dated: July 22, 2003

Respectfully submitted,


HOWARD C. MISKIN (Reg. No.: 18,999)
GLORIA TSUI-YIP (Reg. No. 42,188)
STOLL, MISKIN & BADIE
350 Fifth Avenue, #4710
New York, New York 10118
(212) 268-0900

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Amend claims 1, 13, 18, 19, 20, 23, 24, 28, 29, 30, 32 and 33 as follows:

1. (Thrice Amended) An aqueous glittering ink comprising scaly glittering particles, a water-soluble resin, a water-soluble organic solvent, a colorant, a binder component for fixing the said scaly particles to a written mark or a coated film; and water,

wherein said scaly glittering particles have

a median diameter of at least 10 μm [and a smooth metal surface], the ratio of smoothness on the particle surface to the median diameter of not greater than 0.011, and a surface coating ratio of said colorant covering the surface of said particle's surface in a written mark of not greater than 80% in a state of a dried written mark.

13. (Amended) An aqueous glittering ink as set forth in claim 1 [12], containing a synthetic resin emulsion as the said binder component.

18. (Amended.) An aqueous glittering ink as set forth in claim 13 [12], further containing an opacifying pigment.

19. (Thrice Amended) A method for forming a written mark comprising scaly glittering particles, wherein scaly glittering particles have a median diameter of at least 10 μm [and a smooth metal surface], the ratio of smoothness on the particle surface to said median diameter is not greater than 0.011, and the surface coating ratio of a colorant to the scaly glittering particles [to said median diameter] is not greater than 80%, interspersing the scaly glittering particles within the range of not greater than 80% to the total written surface, and interspersing said colorant's particles among scaly glittering particles.

20. (Thrice Amended) A method for forming a written mark comprising scaly glittering particles, wherein scaly glittering particles have a median diameter of at least 25 μm [and a smooth metal surface], the ratio of smoothness on the particle surface to said median diameter is not greater than 0.011, and the surface coating ratio of a colorant to the scaly glittering particles [to said median diameter] is not greater than 40%, interspersing the scaly glittering particles within the range of 20 - 45% to the total written surface, and interspersing said colorant's particles among scaly glittering particles.

23. (Twice Amended) A written mark having the characteristics of [the] an aqueous glittering ink, wherein scaly glittering particles have a median diameter of at least 10 μm [and a

smooth metal surface], the ratio of smoothness on the particle surface to the said median diameter is not greater than 0.011, and the surface coating ratio of a colorant to the scaly glittering particles is not greater than 80%, interspersing the scaly glittering particles within the range of not greater than 80% to the total written surface, and interspersing the said colorant's particles among the said scaly glittering particles.

24. (Twice Amended) A written mark having the characteristics of [the] an aqueous glittering ink, wherein scaly glittering particles have a median diameter of at least 25 μm [and a smooth metal surface], the ratio of smoothness on the particle surface to the said median diameter is not greater than 0.011, and the surface coating ratio of a colorant to the scaly glittering particles is not greater than 40%, interspersing the scaly glittering particles within the range of 20 ~ 45% to the total written surface, and interspersing the said colorant's particles among the said scaly glittering particles.

28. (Amended) A ball-point pen [as set forth in claim 27, wherein] with an aqueous glittering ink filled in the ink tank comprising scaly glittering particles, a water-soluble resin, a water-soluble organic solvent, a colorant, a binder component for fixing the said scaly glittering particles to a written mark or a coated film, and water, wherein said scaly glittering particles have a median diameter of at least 25 μm , and the a ratio of smoothness on the particle surface to a median diameter is not greater than 0.011, and a surface coating ratio of the said colorant covering the surface of the [said] particle's surface in a written mark of not greater than 80% in a state of a dried written mark, a thixotropy index of not less than 1.3, represented by the ratio of V0.5 to V1.0 (V0.5 / V1.0), wherein V0.5 is the viscosity with the rotation speed of 0.5 rpm and V1.0 is the viscosity with the rotation speed of 1.0 rpm when the ink is measured by an ELD viscometer with a 3°R14 cone, at a temperature of 20°C and the V0.5, the viscosity with the rotation speed of 0.5 rpm, of 1000 - 15000 mPa.

29. (Twice Amended) A method for forming a coated film comprising scaly glittering particles, wherein the scaly glittering particles have a median diameter of at least 10 μm [and a smooth metal surface], the ratio of smoothness on the particle surface to said median diameter is not greater than 0.011, and the surface coating ratio of a colorant to the scaly glittering particles [to said median diameter] is not greater than 80%, interspersing the scaly glittering particles within the range of not greater than 80% to the total written surface, and interspersing said colorant's particles among the said scaly glittering particles.

30. (Twice Amended) An aqueous glittering ink comprising scaly glittering particles, a water-soluble resin, a water-soluble organic solvent, a colorant, a binder component for fixing the said scaly glittering particles to a written mark or a coated film, and water, wherein said scaly glittering particles have a median diameter of at least [10] 30 μm [and a smooth metal surface], the ratio of smoothness on the particle surface to the median diameter is not greater than 0.011, and a surface coating ratio of said colorant covering the surface of said particle's surface in a written mark is not greater than 80% in a state of a dried written mark.

32. (Amended) An aqueous glittering ink as set forth in claim 30, wherein the scaly glittering particles [having said smooth metal surface] are selected from the group consisting of flaky glass coated with metal, inorganic particles coated with metal, and aluminum powder.

33. (Amended) A method for forming a coated film comprising scaly glittering particles, wherein [the] scaly glittering particles have a median diameter of at least 10 μ m, [and have a smooth metal surface,] the ratio of smoothness on the particle surface to said median diameter is not greater than 0.011, and the surface coating ratio of a colorant to the scaly glittering particles [to said median diameter] is not greater than 80%, interspersing the scaly glittering particles within the range of not greater than 80% to the total written surface, and interspersing said colorant's particles among the said scaly glittering particles.